

**State Board of Education
September 15, 2009
Item J**

Team: Independent and Federal Programs; Legal Office

Discussion/Update Topic: Standards for Approved Education Programs, including teen parent education programs (TPE's).

Alignment with Goals:

Goal I: Support high-quality, innovation instruction to improve student achievement

Goal III: Promote safe and positive learning environments

Statutory Authority:

Act 192 of the 2007-2008 legislative session, 16 V.S.A. § 1073(b)

Background Information:

On July 1, 2010, pursuant to Act 192 of the 2007-2008 legislative session, the Department of Education assumes regulatory control of TPE's (residential, and non-residential). In order for the Department to perform this function, Act 192 requires the state board of education to approve standards that the Department will use to review applications for approval.

Purpose of Discussion:

To inform the board of this new statutory function of the board and of the department regarding the adoption of applicable standards, and the future role of the department in reviewing individual TPE programs, and recommending, or not recommending them for approval (after July 1, 2010) to the state board of education.

Cost Implications:

Monetary Resources: N/A (Department personnel performs all aspects of the review process)

Staff Resources: Pat Pallas Gray and Kerry Garber

Commissioner's Recommendation: The commissioner recommends that the Board review the standards and prepare to adopt at its September 18, 2009 meeting. This timeline will give programs ten months to begin to prepare for the process. During that time, Department staff will provide information and assistance as needed.

Staff Available: Mark Oettinger; Kerry Garber; Pat Pallas Gray

STATUTES AND STATE BOARD STANDARDS FOR APPROVED EDUCATIONAL PROGRAMS

Definitions

16 V.S.A. § 11(a)(33)

(33)(A) “Pregnant or parenting pupil” means a legal pupil of any age who is not a high school graduate and who:

(i) is pregnant; or

(ii) has given birth, has placed a child for adoption, or has experienced a miscarriage, if any of these has occurred within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance; or

(iii) is the parent of a child.

(B) “Pregnant or parenting pupil” does not include a person whose parental rights have been terminated, except if the pupil has placed the child for adoption or has voluntarily relinquished parental rights, within one year before the public or approved independent school or the approved education program receives a request for enrollment or attendance.

16 V.S.A. § 11(a)(34)

(34) “Approved education program” means a program that is evaluated and approved by the state board pursuant to written standards, that is neither an approved independent school nor a public school, and that provides educational services to one or more pupils in collaboration with the pupil’s or pupils’ school district of residence. An “approved education program” includes an “approved teen parent education program.”

16 V.S.A. § 11(a)(35)

(35) “Teen parent education program” means a program designed to provide educational and other services to pregnant pupils or parenting pupils or both.

16 V.S.A. §1073(b)

~~(b) No legal pupil, including a married, pregnant or postpartum pupil, shall be deprived of or denied the opportunity to participate in or complete an elementary and secondary public school education. Notwithstanding the provisions of sections 822 and 1075 of this title, for reasons related to the pregnancy or birth, a pregnant or postpartum pupil may attend any approved public school in Vermont or an adjacent state, approved independent school in Vermont, or other educational program approved by the state board. The commissioner shall pay the educational costs for a pregnant or postpartum pupil attending a state board approved educational program in a 24-hour residential facility for up to eight months after the birth of the child. The commissioner may approve extension of payment of educational costs based on a plan for reintegration of the student into the community or for exceptional~~

~~circumstances as determined by the commissioner. The district of residence of a pupil in a 24-hour residential facility shall remain responsible for coordination of the pupil's educational program and for planning and facilitating her subsequent educational program.~~

State Board Standards:

I. Purpose

~~Pursuant to Act 192 of the 2007-2008 legislative session, any education funds paid to teen parent education programs for educational services provided to pregnant or parenting teens shall be available only to those programs that the state board of education has determined to be "approved education programs."~~ The purpose of these standards is to establish consistent criteria for Vermont State Board of Education evaluation and approval of programs which are neither approved public or independent schools ~~that~~ ~~but which~~ provide educational services to pregnant or ~~postpartum-parenting~~ pupils pursuant to 16 V.S.A. §1073(b). ~~in either a residential, or non-residential setting.*~~

~~[*N.B. - these standards revise the existing standards already adopted by the state board of education for the residential teen parent program at the Lund Family Center. These standards will continue to apply only to the Lund Family Center, through June 30, 2010. On July 1, 2010, these standards will apply to all teen parent education programs in Vermont that seek approval by the state board of education.]~~

~~II.~~ Definitions

~~"Program is an "other education~~~~al~~ program" under 16 V.S.A. §1073(b) which has applied for or received State Board approval.*

~~[*16 V.S.A. §1073(b) as amended, by Act 44 of 2009, is attached as Attachment #1.]~~

~~"Minimum course of study" is the course of study defined in 16 V.S.A. §906.~~

~~III.~~ Procedure

A. Application

A program shall apply for approval by completing an application form provided by the Vermont Department of Education. The form shall require the applicant, at a minimum, to describe the proposed student body, the program's facilities, the administration of the program, the faculty and its qualifications, the course of study offered, and the manner in which services will be provided in collaboration with the school districts of residence of the students. The application shall be submitted to the Vermont Department of Education's consultant for ~~home-study and~~ independent schools.

B.

B. Review

The ~~Deputy~~ Commissioner of the Vermont Department of Education shall appoint a review team of no less than two persons, at least one of whom shall be a Department of education employee. ~~—~~ The team shall review the application, and if necessary, seek additional information and/or visit the program. The team shall then report to the Commissioner ~~of the Vermont Department of Education~~ within sixty days of receipt of the application unless further time is required and the reasons ~~therefor~~~~therefore~~ explained in writing to the applicant. The report shall contain a recommendation that the program be approved, not approved or conditionally approved. If the recommendation is that the program be conditionally approved or not be approved, the report shall contain recommendations as to what corrections are needed before full approval could be recommended. The report shall also be submitted to the program which shall have fifteen days to respond.

— Following such response, the Commissioner shall make a recommendation to the State Board of Education. The program shall have an opportunity to be heard before the State Board of Education. A term of approval may be for a period of no more than three years. The process for reapproval shall be the same as for approval.

— After approval, the program shall furnish such information as is requested from time to time by the Commissioner and, on its own initiative, shall inform the Commissioner in an annual report on the anniversary of its approval of significant changes in the program. If the Commissioner has reason to believe that the program no longer meets the standards for approved programs, he or she may initiate a review which shall follow the same procedures as a review for approval. In such a case, the review team shall recommend to the Commissioner that the program continue to be approved, that the program's approval be terminated, or that the program must meet certain conditions by a specified date to continue its approval. If the Commissioner finds that the program's approval should be terminated or conditioned, he or she shall recommend such action to the State Board. The program shall have an opportunity to be heard before the State Board.

IV. Standards for Approval

A. Nature of the Program

1. The program shall offer the minimum course of study or a specified portion thereof to each student based upon a written agreement with the school district of the student's residence.
2. The program shall offer basic education, technical education or remedial and compensatory education services or any combination thereof.
3. The program's educational purpose shall be clearly stated.

B. Course of Study

The course of study offered shall be adequate to meet the educational purposes of the program and appropriate of the age and ability of the students.

C. Support Services

The program shall have available the support services necessary to meet the requirements of its course of study and its education purposes, including but not limited to library services, administrative services, guidance and counseling services and a system of recordkeeping by which pupil progress may be assessed.

D. Facilities

The program shall have classroom, laboratory, library or other facilities necessary and appropriate to provide its educational services. Facilities in which educational services are provided shall meet all applicable state and federal health and safety standards.

E. Professional Staff

The program shall employ professional staff who are qualified by training and experience in the educational areas in which they are assigned and in sufficient number to carry out the educational purposes of the program.

F. Administrative Services and Rates

The program shall have the capability to generate accurate billing to school districts based upon the actual time spent in educational programs by the students. Rates for educational services shall be reasonably related to the actual costs of providing such services.

G. Collaboration with Local School Districts

The program shall collaborate with the school district of the student's residence in the coordination and planning of the student's educational program and eventual return to the district. The written agreement required for each student by paragraph ~~IV~~(IV) (A) above shall also include agreement of such items as the course credits that will be transferable to the school district of the student's residence and the rates for educational service.

H. Special Education

With respect to special education services, the program shall cooperate with the student's school district which shall provide such services directly or through contract with a private or public educational agency.

ATTACHMENT #1

16 V.S.A. § 1073(b) is amended to read:

(b) *Access to school.*

(1) Right to a public education. No legal pupil attending school at public expense, including a married, pregnant, or postpartum parenting pupil, shall be deprived of or denied the opportunity to participate in or complete an elementary and secondary a public school education.

(2) Right to enroll in a public or independent school. Notwithstanding the provisions of sections 822 and 1075 of this title, for reasons related to the pregnancy or birth, a pregnant or postpartum parenting pupil may attend enroll in any approved public school in Vermont or an adjacent state, any approved independent school in Vermont, or any other educational program approved by the state board in which any other legal pupil in Vermont may enroll.

(3) Teen parent education program.

(A) *Residential teen parent education programs.* The commissioner shall pay the educational costs for a pregnant or postpartum parenting pupil attending a state board approved educational teen parent education program in a 24-hour residential facility for up to eight months after the birth of the child. The commissioner may approve extension of payment of educational costs based on a plan for reintegration of the student into the community or for exceptional circumstances as determined by the commissioner. The district of residence of a pupil in a 24-hour residential facility shall remain responsible for coordination of the pupil's educational program and for planning and facilitating her subsequent educational program.

(B) *Nonresidential teen parent education programs.*

(i) The pregnant or parenting pupil's district of residence or the approved independent or public school to which that district pays tuition for its students ("the enrolling school") shall be responsible for planning, coordinating, and assessing the enrolled pupil's education plan while attending a teen parent education program and for planning, assessing, and facilitating the pupil's subsequent education plan, including the pupil's transition back to the public or approved independent school. As determined by the district of residence or the enrolling school, as appropriate, the pupil's educational plan while attending a teen parent education program shall include learning experiences that are the substantial equivalent of the learning experiences

required by the district of residence or the enrolling school to obtain a high school diploma.

(ii) A pregnant or parenting pupil may attend a nonresidential teen parent education program for a length of time to be determined by agreement of the pupil's district of residence, the enrolling school, the teen parent education program, and the pupil.

(iii) In the event of a dispute regarding any aspect of this subdivision (B), the district of residence, the enrolling school, the teen parent education program, or the pupil or any combination of these may request a determination from the commissioner whose decision shall be final; any determination by the commissioner regarding "substantial equivalency" pursuant to subdivision (i) of this subdivision (b)(3)(B) shall be based on the commissioner's analysis of the course syllabus or the course description provided by the district of residence or enrolling school.